

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

VICTOR SHORT, SR., §
Plaintiff, §
§
§
v. § 3:14-CV-03563-M-BK
CR ENGLAND GLOBAL INC., §
Defendant. §
§

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for want of prosecution. *See FED. R. CIV. P. 41(b).*

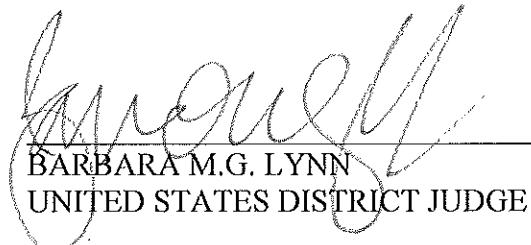
The Court prospectively **CERTIFIES** that any appeal of this action would not be taken in good faith. *See 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3).* In support of this certification, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See Baugh v. Taylor, 117 F.3d 197, 202 and n.21 (5th Cir. 1997).* Based on the Findings and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous.

*Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983).*¹ In the event of an appeal, Plaintiff may

¹ Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.

challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; FED. R. APP. P. 24(a)(5).

SO ORDERED this December 10, 2014.



BARBARA M.G. LYNN
UNITED STATES DISTRICT JUDGE